

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHAN DAVID VAN DER TANG
and
WOLFDIETRICH GEORG KASPERKOVITZ

Appeal No. 2004-0608
Application No. 09/886,198

ON BRIEF

Before JERRY SMITH, DIXON, and NAPPI, **Administrative Patent Judges**.
DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1-7,
which are all of the claims pending in this application.

We AFFIRM.

Appellants' invention relates to a quadrature HF oscillator with isolating amplifier. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A quadrature HF ring oscillator (1) comprising at least two cascaded filters (2, 3) each having a filter output (O1, O2) to be coupled to a load (Z_I , Z_Q), characterised in that at least the two filters (2, 3) comprises an isolating amplifier (T5-T8) coupled between the filter output (O1, O2) and the load (Z_I , Z_Q).

The prior art of record relied upon by the examiner in rejecting the appealed claims is as follows:

Cytera et al. (Cytera)	5,298,870	Mar. 29, 1994
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Claims 1-7 stand rejected under 35 U.S.C. § 102 as being anticipated by Cytera.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejection, we make reference to the examiner's answer (Paper No. 17, mailed August 8, 2003) for the examiner's reasoning in support of the rejections, and to appellants' brief (Paper No. 16, filed May 5, 2003) for appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art reference, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations which follow.

At the outset, we note that appellants have elected to group all the claims as standing or falling together. (Brief at page 2.)

From our review of the examiner's rejection, we find that the examiner has established a ***prima facie*** case of anticipation by the teachings of Cytera and the discussion of the function of the circuit of Cytera which appellants have not adequately rebutted or shown error therein. (Answer at pages 3-5.) The examiner has provided a discussion of the functioning of the capacitor of Cytera and that the filters have a differential comparator that would "be realized using a differential amplifier which will provide isolation between the input and output signals." Appellants have not shown error in the examiner's analysis of the circuitry taught by Cytera. Appellants merely argue that the disclosure of Cytera does not disclose "at least two cascaded filters" (brief at page 3) and that the claimed "at least the two filters (2, 3) comprises an isolating amplifier (T5-T8) coupled between the filter output (O1, O2) and the load (Z_i , Z_o)." Appellants argue that Cytera discloses in that column 9 that the elements 44, 46, 52, and 54 are comparators and not an isolating amplifier. (Brief at page 4.) Here, we find that appellants have not directly addressed the examiner's interpretation of the teachings of Cytera in the brief and have not filed a reply brief to further discuss the examiner's interpretation of the teachings of Cytera. Therefore, we will accept the examiner's rationale and sustain the rejection of independent claim 1 and dependent claims 2-7 which appellants have elected to group together.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1-7 under 35 U.S.C. § 102 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

JERRY SMITH)
Administrative Patent Judge)
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) BOARD OF PATENT
JOSEPH L. DIXON) APPEALS
Administrative Patent Judge) AND
) INTERFERENCES
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ROBERT E. NAPPI)
Administrative Patent Judge)

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